STFICE N. W. CORNER OF FULTON AND NASSAU STS. THE DAIL Y HERALD, 2 cents per copy—57 per demonstrate of the Per Land Per Cappy—18 per canoning to the Enropean celificate the per cappy of t

Volume XVI...... Number 39.

AMUSEMENTS TO-MORROW EVENING.

MALIAN OPERA, Astor Place.-BARNER OF SEVILL BOWERY THEATER, BOWERY—CONFRENCE OF THE ME-

BROADWAY THEATRE, Broadway-FAUSTUS-GRAND-NIBLO'S GARDEN, Broadway-Indiana ET CHARLE-BUSTON'S THEATRE. Chambers street-PAUL PRV-

NATIONAL THRATE, Chatham Square-DARON AND BROUGHAM'S LYCEUM, Broadway-AMBASSADRES

CHRISTY'S MINSTRELS, Mechanics' Hall, 472 Broadway PELLOWS OPERA HOUSE, 41 Broadway - ETMIOPIAN AMERICAN MUSEUM-AMUSING PERFORMANCES AFTER-

NEW YORK AMPHITHEATER, 37 Bowery - Equestrian WASHINGTON HALL-PANGRAMA OF THE PROGRES

SATTLER'S COSMORAMA, corner of Thirteenth street OLYMPIC -PANORAMA OF IRELAND.

New York, Sunday, February 2, 1851.

The Expected European News. The British steamship Canada, had not arrived at Halifax at twelve o'clock last night. She was then fourteen days and twelve hours at sea.

When she arrives she will bring one week's later

news from Europe, and, perhaps, relieve many

an anxious heart relative to the Atlantic. The Steamship Atlantic.

The bark Levant, arrived yesterday from Liver. pool, reported seeing, on the 27th December, in lat. 39, lon. 25, a large three masted vessel, under sail, steering for the Western Isles, and supposed to be a steamship under canvass. This vessel was mmediately reported around town to be the steam ship Atlantic, when it is well known that the Atlantic did not sail from Liverpool until the 28th December, one day after the above vessel was seen. If she were a steamer at all, which is doubtful, she was probably a British vessel.

Telegraphic Summary

In consequence of the death of Mr. Kaufman, member of the House of Representatives, from Texas, nothing of any consequence was done in house of Congress yesterday. An announcement of the decease of the Hon. member was made in each, the customary resolutions were adopted, and both adjourned to attend the funeral on Monday. In the Senate, Mr. Hunter offered a resolution, which was adopted, that the committee on finance be instructed to inquire into the expe-diency of coining dollars, half dollars, and quarter dollars, composed of gold and silver, in the proportion of equal values according to the standard be ween the two metals, as fixed by law. We certainly are sadly in want of small change, and if the proposed measure would obviate the inconvenience which the community now suffer under, it ought to be sustained and passed.

The Clergy and the Fugitive Stave Bill. There was a certain class of ministers of the gospel in some sections of the country, who denounced from the pulpit our last struggle with Great Britain as an unholy and unjust war, who denounced from the pulpit all who aided and asnsted the government in prosecuting it, and who exerted themselves in their priestly character, and as individuals, to bring defeat and disgrace on the American arms. The tirades of abuse, the wholesale denunciation, and the quantity of vituperation which was poured forth by those amiable disciples of the "meek and lowly Jesus" could scarcely be credited, were it not that their sermons were preserved, and many of them printed and filed, for the wonderment and amazement of posterity. ciem the clergy will go when they lose sight of their calling, and, throwing aside the emblems of peace, arm and array themselves in opposition to government, to law, and to the opinions of mankind. Some clergymen of that day openly counselled disobedience to the laws of the highest tribunal known to our government, and threatened so, if they did not actually, excommunicate, not with "bell, book, and candle," as was the prac-tice in former ages, but with fierce denunciation, all who stood by their country in that struggle. We had hoped that no such exhibition would ever

again be made by the clergy of any section of the United States-we had hoped that in our day, at least, we would not witness clergymen unrobing themselves and preaching disobedience to the laws to their congregations, denouncing Congress for passing them, because they did not agree with their private judgment, and counselling fanatics, like themselves, to violate the law, even unto the death But we have been disappointed. It has been done in this very city, the metropolis of the Union-the seat of art, refinement, and civilization-and with churches abounding in every ward. While we have benevolent institutions without number, and missionary societies for christianizing the heathen in foreign lands; while we have societies for spreading the peaceful doctrines of the Bible before all mankind, we have clergymen who advocate mur der, and counsel fugitives to shoot down all who attempt to arrest them in gursuance of a law which, if constitutional, all are bound to obey; and if the reverse, can be set aside, and declared null, by a competent tribunal. One of the most atrocious and inflammatory discourses that has been delivered from the pulpit, since the passage of the Fugitive Slave law, is one of the Rev. Charles Beecher. In relation to that measure, he held the following language, which we extract from a copy or his ser-

mon, recently from the hands of the printer -This law then, is wrong in the sight of God and man—it is an unexampled climax of ain. It is the monster iniquity of the present age, and it will stand forever on the page of history, as the vilest monument of infamy of the nineteenth century. Russia knews nothing like it. Hungary blesses God that she never suffered from anything worse than Haynau. And natione afar off pause awhile from their worship of blocks of wood and stone, to ask, what will those Christians do next.

afar off pause awhile from their worship of wood and stone, to ask what will those Christians do next?

God from his throne, who beholds all the nations of the earth, looks down and Christ who hungers and thirsts—is naked, sick and in prison with one of the least of his brethren, looks down to see what gigantic culmination of guilt, what accumulation of shame and sin, is proceeding to its consummation, for I remark—that there is yet one thing more guilty than the act of passing this law. There is yet one step wanting to render complete and awful in the sight of God our mighty guilt; and that step is obedience to the law. That is a sin even more arguisitely sinful than the making of the law itself, for two reasons; first, because it has the whole atrociousness of the law itself; and secondly because it has the whole atrociousness of a stab at the freedom of conscience, and of private judgment.

This law is chaved, what does a Christian do, and

stab at the freedom of conscience, and of private judgment.

If this law is obeyed, what does a Christian do, and why does he do it! I answer, he commits an act of piracy, and he does it because the law rays so, and because he must obey the law, right or wrong, as long as it is a law. These are the two elements of guilt in the obedience of this law —First, what it is, second, why it is. First, piracy, second, Poperry.

Why does any man imagine he ought to obey the law. What is the Jesutical pies which is industriculally inculcated by the high priests of Mojoch and Mammon? It is because he wants to keep on the sate side, by obeying law. Because he is told that the proper way is to obey, until the law can be altered. Because he is told it is wrong to de right unless the go-

vernment gives him leave—right to do wrong, whenever an aristoersoy of politicians, and a hierarchy of office helders, command. Because he pine his faith on the sleeve of government, and makes Congress his pops, cardinals and holy college of Jesuits, to act the part of infallible interpreter for him, of the Bible and of duty. This is the reason, and the only reason why he obeys. The law says so, and the law must be obeyfully the transport of the little and despots, on weak consolences, and weaker brains. Argument first begotten of Batan, father of lies.

If the arcainus doctrine laid down in this artered.

If the atrocious doctrine laid down in this extract should, unfortunately, prevail in any country, all government would be at an end, and anarchy, in its orst form, would reign triumphant. If obedience to laws, regularly and constitutionally passed, is to be at the option of the people, we would soon have no government. The exercise of private judgment is a natural right, but, by becoming members of so ciety, we relinquish a portion of our natural rights, for the sake of being secured in the exercise of the remainder. This principle is coeval with society and government; and when we abandon it, we let go the sheet anchor of our safety, and launch at ouce on the sea of anarchy, confusion, disturbance, and, eventually, civil war, rapine, and bloodshed. But it would appear that some of the elergy of the present day do not desire us to go through any gradations. They want us at once to embark in civil war and bloodshed; they want the people to put revolvers in their hands, and shoot down, without warning, the officers of the government if they attempt to execute a law which, in their private jadgment-no matter what the rest of mankind may think of it-ought not to be obeyed. Truly, we have fallen upon evil times.

It is gratifying to be assured, as we are, that these atrocious doctrines are entertained by only a few. The mass of the ciergy, of all denominations, we are gratified in being able to say, are sound on this subject, and their teachings of obedience have overruled the fanaticism of the minority. Let our readers picture to themselves what consequences would flow from carrying into practice Mr. Beecher's atrocious principles. The streets of every northern city would, ere this, have run with blood if their advice had been taken, for the law would have been maintained at any and every cost. It might be that family would have been arrayed against family, and a ball discharged by the father might have killed the son, or vice versa, but the aw would be sustained. As an independent journalist, and as a lover of the institutions of this government, and a supporter of the laws, it has been our duty to warn the people against those, whether lay or clerical, who counsel them to perjure themselves before God, to violate their duties as citizens, to shed the blood of their fellow-citizens, and to plunge this great and happy country into civil war; and we shall continue to do it. We have done so with a clean conscience, and shall continue to do so regardless of consequences. The insane counsels of the clergy, of different denominations, as history shows, have, ere this, caused rivers of blood to flow. No such counterpoise, however, as the independent press then existed—the enemy of all fanaticism, and the safeguard of our government and institutions.

THE TARIFF QUESTION-THE INSIDERS AND THE OUTSIDERS.-From all accounts, all the parties concerned, insiders and outsiders, have been, for the last week, industriously employed at Washington upon the tariff question. The cotton spinners-the weavers of plain muslins-the calico printers—the manufacturers of woollens, worsteds and cassinets, all have their agents at the capitol, among the outside delegations. Pennsylvania, also, appears to be largely represented among the lobby members, in regard to her coal mines, anthracite and bituminous, and her iron interests, bloomeries, furnaces, forges and foundries.

The Pennsylvanians seem to be taking the lead in the House, while, from the report of the Finance Committee of the Senate, it is manifest that dry goods have the precedence in that body. Penaslyvania gives a very important vote in the Presidential election. The result in the coal and iron counties, in 1848, for Taylor and Fillmore, is a warning to all free trade candidates. Hence we are not surprised to learn that General Cass is of the opinion that something ought to be done for coal and iron. No doubt of it. Forty, fifty, sixty, or seventy per cent on a home valuation would be exactly the thing for coal and iron. Other interests might suffer; but it is a pretty safe rule to attend to one thing at a time.

The difficulty is in coming to an agreement. The Pennsylvania delegation is in aminority in the House, or the question would be speedily settled. They cannot strike an adjustment or compromise between calico and cold iron, plain muslins for shirts, and Lehigh coal. Instead of aiding each other, these domestic interests appear to be working against each other-each jealous that the other will get the advantage in the modifications to be made of the act of '46. We are informed of outside tariff caucuses, of two distinct cla the iron and coal caucuses, and the calico and cassinet caucuses, at the hotels in Washington, two or three times a week. At these caucuses it is understood that no members of either house are admitted who are suspected of being fishy, ex. cepting such as may be persuaded to join the good We are also informed that there is a good deal of money in the hands of the outside tariff delegations to Congress, and that champagne and segars are in good demand, with canvass-back suppers and broiled partridges.

The important question next arises, what are the prospects for coal and iron, and what are the chances for calicoes and cassinets this session? We should say slim, exceedingly slim. While something ought to be done to suppress the frauds complained of by the Secretary of the Treasury. under the act of '46, as now administered and understood there is very little prospect of anything at all upon the subject. We may perhaps get the bill of Mr. Hunter, of the Senate-perhaps something more, or less-but most likely nothing at all. Meantime let the lobby members stick to it. Per-Severance does wonders.

STATE OF PARTIES AT ALBANY .- The result of the wbig caucus, on Friday evening, to nominate a U. S. Senator, shows that Hamilton Fish did not receive the support of a majority of the members of the Legislature, as only sixty-nine whigs attended the caucus. Consequently the election of Mr. Fish is by no means certain on Tuesday next, when the Legislature are to act on the question. The following whigs, comprising the silver greys in the Legislature, were absent from the caucus:

Senators 6, viz:-Beekman. New York. Babcock, of Erie. Miller, of Monroe. Owen, of Cattaraugus. Assemblymen 24 viz: Brayton of Oneida. Cady of Kings. Campbell of Otsego. Ferris, or Tompkins. Fitzhugh of Monroe, Fordyne. O Allen of Erie, Anthon et Richmond. Atwood, of Erie, Backhouse of Kinge. Bird, of Erie. Blackstone,
G Clark,
Dewey,
W S Gregory,
W B Gregory,
N York
Ryan

Pordyce,
A A Gregory Cattaraugue
L. Harris, Chenaugo
Hewitt, Clinton,
Langdon, Columbia,
Beverance, Erie.

There are 61 democrats in both houses, who it they act with the silver greys above named, will constitute a coalition majority of 22 on joint ballet.

The two Houses stand as follows: | Seward whigs ... 11 | 58 | 69 | Silver greys ... 6 | 24 | 30 | Democrats ... 15 | 46 | 61

Total..... 32 128 A large force of silver greys have gone to Albany, for the purpose of defeating the caucus nomi-nation. The democrats keep shady.

Movements in the lowa Legislature.—The House has adopted a clause making stockholders in all companies liable for all the debts of the incorporation. A bill has been introduced to provide for the removal of all free persons of color, amancipated in other States, and hereafter settling in that, but providing that those already there may remain, subject to the present law upon the subject, and disqualifying them from acquiring any additional real estate.

the Herald of 9th of December last, gave returns by towns and districts, of the

votes for Governor and members of Con-gress for the election held in November, in the State of New York, from all the counties in the State, except five, which returns, although long delayed from publication by the press of other matter, we now give, namely :- the counties of Monroe, Hamilton, Ontario, Richmond and St. Lawrence. These returns, with those published in Deember, will prove valuable for future reference, to those who preserve them. This is the first time that complete details of the election by towns for the whole State, have been published in this form,

	88.	
Towns. Hunt. Seumour. Whig. I.	congress.	
Arrietta 1 17 —	15	
Gilman, 10 13 11	12	
Норе, 43 123 46	118	
Long Lake, 2 11 2	17	
Lake Pleasant, 18 42 16	43	
Morehouse, 12 28 10	30	
Wells, 50 50 47	53	
Total, 136 290 132	288	
Total Vote for Lieutenant Governor. Cornell, whig	135 291	
MONROE.		
GOVERNOR, CONGR	ESS.	

					DANNER LINE
City. Wards.		GOVERNOR.		CONGRESS.	
			Seymour.		. Dem.
Rochester,	1	243	208	209	232
do	2	247	166	228	175
do	3	337	205	301	229
do	4	241	210	190	254
do	5	197	251	167	273
do	6	335	229	270	375
do	7	206	149	165	182
do	8	198	119	182	129
do	9	177	212	152	227
Total city,	471.4	2,181	1,849	1,864	2,076
	stricts.				1 10 100
Brighton,	1	. 129	110	104	132
do	2	99	57	97	59
Clarkson,	1	226	202	224	200
do	2	256	239	253	243
Chili,	1	98	77	97	77
do '	2	104	45	91	50
Gates,		132	92	112	108
Greece,	1	112	144	101	154
do	2	136	167	130	178
Henrietta,	1	96	91	32	96
do	2	93	73	SI	76
Irondequoit,		113	106	82	133
Mendon,	1	144	118	139	116
do	2	179	78	178	78
Ogden,		221	212	213	217
Perma,	1	123	128	121	125
do	2	200	75	198	75
Penfield,	1	148	146	161	130
do	2	149	43	150	41
Permaton.		286	162	272	163
Pit sford,		176	140	135	167
Riga,		187	156	182	160
Rush,		163	105	162	103
Sweden.	1	196	66	178	78
do	2	265	121	233	143
Wheatland,	1	152	107	146	106
do	2	88	93	70	107
Webster,		263	177	226	205

Church, democra				
Church, democra	ONTAR			0,210
		FERNOR.	cove	RESS
Towns. District		Seymour.		Dem.
Seneca, 1	254	180	240	194
do 2	221	103	207	106
do 3	162	98	161	- 98
do 4	97	86	93	89
Phelps, 1	198	235	186	250
do 2	113	97	107	104
do 3	98	169	97	170
Manchester, 1	159	142	158	146
do 2	124	77	124	77
Gorham, 1	80	75	79	SI
	66	60	66	60
do 2 do 3	116	16	117	40
Farmington,	243	58	242	62
Horewell,	163	135	161	136
Naples,	207	183	200	189
Canadice,	83	101	82	103
South Bristol,	135	36	135	26
Richmond,	140	138	134	159
West Bloomfield,		50	190	56
Bristol,	183	108	178	120
East Bloomfield,	231	86	232	87
Victor,	223	194	224	196
Canand'gua, 1	244	110	234	124
do 2	167	134	159	144
do 2	131	96	129	87

Cornell, whig Church, democra	for Lieu	*****		2,905 2,935
	RICHM	OND.		
		ERNOR.	CONG	
Torens. Districts	. Hunt.	Seymour	. Whig.	Dem
Castleton, 1	136	143	137	137
do 2	149	176	152	165
de 3	30	31	29	30
Southfield, 1	47	49	46	45
do 1	130	119	129	116
Westfield. 1	107	102	137	92
do 2	91	33	98	23
Northfield. 1	110	156	112	152
do 2	119	33	117	36
Total	919	842	957	802

ST. LAWRENCE.

Torons. Districts. Hunt. Seymour. Whig. De Brasher, 1 22 79 21 do 2 75 42 56	81
	60
do 2 75 49 56	
Canton, 1 154 295 157	100
	108
do 3 19 52 17	54
Cotton, 27 61 26	61
	151
do 2 26 61 22	74
Depeyster, 73 123 70	124
Edwards, 60 97 56	97
Fine, 10 32 10	32
	41
Gouverneur, 1 171 169 167	170
do 2 19 47 19	45
Hammond, 128 109 123	111
Hermon, 100 93 96	90
	110
	69
	60
Lisbon, 1 92 62 93	72
	00
_dq 3 91 45 89	48
	60
	42
Pitcairn, 14 60 14	61
	95
	61
do 2 64 160 62 1 do 3 49 80 48	76
Macomb, 1 32 49 31	52
40 1 7 69 7	69
	10
	54
	54
	28
Norfolk, 187 87 134	83
	54
	28
do 3 82 115 77	19
do 3 82 115 77 1 Rossie, 1 41 69 38 do 2 10 62 4	71
do 2 10 62 4	69
	69
The state of the s	25

2 108 103 Total. 3,481 4,895 3,349 4,995 Total Vote for Lieutenant Governor.

The Defalcation in Wall Street. MEE OF PALSE PRETENCES AGAINST RAY TO KINS—THE EXAMINATION OF WITNESSES.

Before Justice Lothrop. The Police court, yesterday morning, exhibited mere the appearance of a board of brokers than a criminal court. The "bulls" and the "boars" mustered in full force, and much excitement prevailed. The court room was completely jammed; and not only were there brokers present, but a large number of curious specta-tors congregated in court, with a view of looking at the magnet of attraction who so completely victimise the Wall street gentlemen out of some \$70,000 or \$80,000. Boon after ten o'clock, the prisoner entered the room with his counsel, Mr John Van Buren. Mr Cutting, and Mr. Blunt, the district attorney, appeared on the part of the people.

In a few minutes after the magistrate took his seat. the room was crowded to its utmost capacity. The eyes of nearly all were directed towards the prisoner, who was seated, with a downcare poearance, by the ide of his counsel. Mr. Stuart, the clerk announced to the magistrate that he was ready to take the evidence in the case.

Mr. Van Buren, for the defence, then rose, and remarked to the court that he would like to be informed on what charge his client was to be examined, as, for his part, he had seen no warrant of arrest; all that he had been able to learn was, that Mr. Tompkins had been arrested by the order of Mr Matsell, the chief of police, and when he called on the chief, he was referred to the mayor, and from the mayor he had been sent up before the magistrate. He desired that some kind of form might be taken in this case, so that he would know what to defend.

Magistrate - As Mr. Tompkins is already in custody, it would be unnecessary to issue a warrant of arrest; therefore, I propose to go en now, and take the evidence of the witnesses for the prosecution, and that the defence can crose examine the witness immediately, or wait until all the testimony is in, and then take that course.

Mr. Cutting—If the defence would rather have the the room was crowded to its utmost capacity. The

ourse.

Mr. Cutting—If the defence would rather have the exparte affidavits made, I can do so, by drawing them up in the next room, and presenting them before the magistrate; but we propose to take the evidence before the accused, which, I should suppose, he would like the best, as he can confront the witness on the stand, and cenduct the cross-examination immediately. It is favorable to the accused.

the best, as he can confront the witness on the stand, and cenduct the cross-examination immediately. It is favorable to the accused.

Mr. Van Buren—As I learn by the papers this prosecution has been ordered by the Beard of Brokers; it appears to be a common interest.

Mr. Cutting—As for my part. I have not heard that the Board of Brokers have ordered this prosecution; as for the papers, we cannot be guided by them; it may possibly be true, although I do not know the fact. We assert that an illegal taking of money has been practised, and intend to prove it.

Mr. Van Buren—Well, what is the charge you allege! Let us a little into the secrets We don't want to be playing dummies. (Laughter.)

Mr. Cutting—My learned opponent need not be fearful or playing dummy—it is not in his way." (Laughter.) In the first place, one charge will be take pretences; but should the evidence shew any other feloulous act, the prosecution will then take that course

Mr. Van Buren—Ves, I understand; you'll try to desemething, no doubt. (Laughter.) I think it would be proper to exclude all witnesses from the room except the one under examination.

Mr. Blunt—That is quite optional with the magistrate. I should not suppose that the counsel would insist on this request, as it is not at all likely that the evidence of the witness will tend to change the testimony of those to be examined.

Magistrate—I shall proceed with the evidence, and I do not see any reason at the present stage of the matter, to exclude any witness.

The first witness called to the stand was Mr. Nathan, one of the Board of Brokers, and a sufferer to the amount of several thousand dollars.

Benjamin F. Nathan being aworn, says:—I am a

signment 1 man yearons at the present stage of the stand was Mr. Nathan. The first winness called to the stand was Mr. Nathan. The first winness called to the stand was Mr. Nathan. The first winness called to the stand was Mr. Nathan. The first winness called to the stand was Mr. Nathan. The first winness called to the stand was Mr. Nathan. The first winness called the stand of the stand was described to the stand was desc

ess-What right had Tompkins to my stock!

(Laughter)
The question was objected to by the prosecution.

Tempkins; he kept his account in our bank; I know he has kept his account in this bank for the last nine months; on the 50th of January last. Tompkins presented a check and new out \$7.100; this was his own check, presented by himself, Tompkins asked me for the billis; he handed me two check signed by himself, laid them on the counter, and walked towards the deposit elect to deposit; he came hack and asked me to other check. I gave him seven bills of \$1.000 canh, and a \$100 bill; the \$1.000 bills were onlour bank; the other check was, I think, 10r \$2.000, in favor of — Williams; these checks were presented about a quarter past two of \$7.000 and the check was, I think, 10r \$2.000, in favor of — Williams; these checks were presented about a quarter past two of \$7.000 and the check was deposited in our bank the next morning by George \$8.00c. Cashirer of the Ohlo Life and Trust Ompany; when I received my exchanges on the morning of the 30th from the Bank of Commerce, I founds memorandum from the first teller in reference to that cheft; I do not know except by conjecture, why the money was not drawn on the check; Mr. Coc deposited it, and then frow on the bank for that amount; another check was for about \$4.100; that I paid to Tompkins; young man; I paid in \$1,000 bills of our bank; it is usual for large amounts to certify the check, included the certified checks, Tompkins account was overdrawn \$150; this money overdrawn has not yet been paid; I have not seen Tempkins aloce that day in the bank, until this day here in court; at quarter past two o'clock on that day, he deposited in our bank between \$3,000 and \$5,000, but previous to two o'clock that day, he had deposited over \$33,000; I should judge it was between 1 leven and twelve o'clock, always previous to this day, her o'clock in the father of the series of the series of the country in the series of the series o

old me he must fail.

The hour of four o'clock arrived at the conclusion of

The hour of four o'clock arrived at the conclusion of this witness's testimony, and, as all the parties had become tatigued, the magistrate adjourned any further proceedings until four o'clock on Monday afternoon. There appears to be a very unfavorable opinion existing against the accused.

City Intelligence.

Shir Fever and Shall. For at Brayer Island—The number of immates at present at the hospital at Staten Island is 556, mostly cases of typhus or ship fever. There are forty cases of small por. The average daily number of admissions is fitteen. A number are received from New York, under the authority of the Board of Health. The whole number received last week was 247; of whom 114 were directly from the ship, and 103 from the city. Persons are frequently admitted in a dying state, and the result is that the bill of mortality is unduly increased. The physician in chief is Dr. F. Campbell Stuart, who has been very successful since his appointment. There is no hospital better cared for, and none presents a more cleanly, neat, and orderly appearance. He is a strict disciplinarian; but all these good qualities are not always proof against the traveges of the King of Tercors—however much they may contribute, occasionally, to turn aside the point of his dart, or soothe the dying moments of his victims.

The Late Dark Afrain in the Coston House.—We have received a letter from Henry Fletcher, one of the combatants in the late fighting affair in the Custon House. Mr. F. denies that he intended to shoot his antagonist. Jerry Floyd. He says Jerry pushed his head against the glass of the book case, and broke it, and (he) Henry, caught him by the threat, when Jerry got hold of Henry's hand with his teeth; so Jerry put his other hand in his pocket and pulled out a knife, with three blades, broken; upon which Jerry Rew for the tongs, and struck him, and would have killed him, but that Henry thought he had a right to kill some too; and being born, as he says, with that ever there were a game blood, and his motto being never to give up the ship as long as a shot is left in the locker, he ran for pietois to the watchman's closet, whence he returned with two to the collector's room. The following is hir. Fletcher's description of this affair in his own words:—"One of the servants was coming out, and seeing me with Witness—What right had Tompkins to my stock:
(Laughter)

The question was objected to by the procedulon. The magnitude was objected to by the procedulon of the wash of th

Supreme Court.

SPECIAL TERM.

Before Chief Justice Edmonds:

Frm. 1.—Decessors.—Partridge vs. Dodd.—Motion strike out part of an answer, which sets out not on the fact itself which constitutes the defence, but a vidences of the fact, in order to obtain from plaintiff a contession or denial thereof, grant Pleadings can no longer be used as instrument discovery. The discovery is only by the oral examition of the party, while the office of pleading is mer to state the cause of action or matter of defence, produce a single and material issue, which the part submit to the judgment of the court. Motion grants costs to abide event.

John Howland vs. Wm. H. Howland and others.—judgment at special term is valid and effectual, thou appealed from, until it is reversed; and the parties of taining it have a right to resort to all the remed given to enforce it, direct or indirect, unless proceings are stayed by giving the proper security on peal for that purpose. Motion to refer granted.

Coopers vs. Clasons.—Whereto a bill of complai which is not merely an ordinary creditor's bill, but also a bill to set aside an assignment as a fraud up creditors at demurrer is interposed to the whole because it appears that an execution has not been used to the proper county, the demurrer will be over ruled, because to orread. Though the want of su execution might be a good defence as to the bill so as it is one under the statute, it is no defence to thill so far as it seeks to set aside the assignment. I, murrer overruled.

Intible & Carran, vs. Cartisle & Mazon.—Report referces construed and plaintiffs allowed five per content and others—to an ordinary creditors and others—in an ornary case of creditors proving their claims upon fund in Court, the fund will not be charged with t costs of so proving the demands. Motion for codenied.

Fruser and others vs. Gerenhill—Ritchie &c. vs. 7 same.—Where attaching creditors show good reson for suspecting collusion between the first statchic creditors and the absequent oreditors show good from man

versy, they may be erdered to be made parties the first suit. Order accordingly, costs to abide t event.

Fail and Others vs. Touncille and Others.—Where ceare awarded to an attorney out of an estate to which is indebted, the costs belong to him personally, and to his client, and an attachment will not be awared against the executors for refusing to pay such cossolong as the attorney's indebtedness to the estate continues. Motion for attachment denied.

Rapelye ads. Clarkom.—Defendant, Jaseb Rapely let in to defend on the merits, on payment of costs default and subrequent proceedings, and of motic and on consenting to a trial by a single referee.

Johnson es. Wight and others.—Where the complain avers that the treapess complained of was committed on the premises of the plaintiff, that is enough to rail an issue on, and if that is denied in the answer it not necessary for the plaintiff in his reply to repethe averment. Motion for leave to amend the reputency without costs.

Stuart, Executor, see Perisane and others.—The wone children, it is a still, will be construed to mean granchildren only where it is manifest that it is used that sense by the textator, and where the will show an intention to confine the bounty to children living the testator, and where the will show an intention to confine the bounty to children living the testator, and where the will show an intention to confine the bounty to children living the testator's death; grandchildren of a parent will died before the testator will not be understood. Deor accordingly.

Mathewards. Peistel.—In farolble entry and detaine

accordingly.

Mathews ads. Feistel. In foroible entry and detains

at the testator's death; grandohildren of a parent will died before the testator will not be understood. Deer accordingly.

Mathews ads. Feistelt.—In furoible entry and detaine where the complaint is for foreible entry and d tainer, it is competent for the jury of inquiry to fir that the entry is peaceable, but the detainer foreible and to an inquisition thus found the defendament put in a traverse, or warrant of restitution mulensue. The affidavit which the plaintiff is require to deliver to the Justice with his complaint is mere directory and not necessary to Jurisdiction; an irregularity therefore in it, though it must justify it court below in refusing to proceed, will not warranthis court on certiorari, in quashing the inquisition. A married woman, though the owner or seepara property, cannot sue in her own name, without joing her husband or prosecuting by a next friend, the case may require, but this is an error which os be corrected by amendment. Motion to quash thinquisition granted, unless the plaintiff within twent days appears by a next friend, and in case of such a perannec warrant of restitution will issue, unless the defendant truly traversee the inquisition.

Myers & Co. vs. Hundiny—Motion to change place trial denied, mainly because the moving papers are silegible they eannot be read.

Mudeia us. McMonnies—In a simple and expretrust, where the trustee is capable of representing artaking care of the interest of all parties concerne the cestui que trust will not be made a party merely because it will be more convenient for him to defend his own name, where the cestuique trust are numerous and the granting his application would necessarily review the making parties of a large number of person thus producing unnecessary prolixity, delay, and e pense. Meton denied with costs.

In the matter of Cornell, trustee, qc.—Confirmation referee's report refused, because the attorney crecord has selected his partner as referee, and has his self drawn the report instead of its being the act the referee.

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U. S. District Court

U. S. District Court.

IN ADMIRALTY.

The Hon Judge Betts presiding.

Jan. 31.—Collision.—Goo. Murchall vs. Charles H. Manshall.—The libeliant in this case, through his procto Mr. William Jay Haskett, complains that about on o'clock P. M., on February 2, 1830, the schooner Geniu of which he is the owner, was lying alongside the en of the pier at the foot of Ninth street, East River, any that the steamboat Golish, of which the respondent is the owner, in company with another steamboat, we towing the ocean steamship Arctic into the Novelt Works, and in so doing struck on the quarter of the Genius, carrying sway six stancheons and horn timbers, starting her quarter, and otherwise damaging her that the collision proceeded from the negligence an improper seamanship of the parsons navigating an having command of the steemboat Golish, and wanot the fault, nor in any way attributable to the conduct of the persons having charge of the Genius; that the respondent, denies that the collision was the faul mage to the amount of \$35. Mr. Phillip Hamilton, if the respondent, denies that the collision was the faul of the persons in charge of the steamboat, but insist that it was occasioned through the negligence of those in command of the schooner Genius; that the Arctic is a steamship of great size, being about thirty-fix handred toms burthen, and could not be towed without much difficulty; that the Genius was a small schoone of from thirty to forty tons, and easily moved an managed; that the was, at the time of the owner when we have the Arctic before the approached. Witnesses were examined by the captain of the Golish; and that they were halle by the captain of the Golish; and that they were halle by the captain of the Golish; and that they were halle by the captain of the Golish; and that they were halle by the captain of the Golish; and that they were halle by the captain of the Golish; and that they were halle by the captain of the Golish; and that there was tim for the schooner to be got out of the way of the Arctic befo

United States District Court.

Before the Hon Judge Betts.

THE BOUNTY LAND WARRANT FORGERIES.

FER. 1.—In the matter of Garret D. Skujedit.—Previous to the rising of the court, Messrs. Bette and Morrill applied to the Judge to grant a habese corpus forcered D. Shujedit, a present confined in the King county prison, on a charge of being concerned in forgeries of bounty land warrants and powers of attorney. The application was made on the ground that the accused is committed without examination, and that rule of bail of \$5000 is imposed on him. He therefor prays that a writ of habese corpus may be granted it inquire into the cause of his detention, or to placupon him a medified rule of bail. The Judge said this centre outly and the court could not order an examination to be had it the accused has been committed. All the habese corpus would subserve would be to inquire whether the part has been legsily committed. The Judge granted the order, returnable on Monday morning, at 10 o'clock and the Court adjourned.

Movements of Distinguished Peeple.

Movements of Distinguished People

Movements of Distinguished People.
C. Noble, New York; L. C. Packham, San Francisco S. Johnson, Oswegs; J. Hutch Buffale; W. How, Boston; E. Esseroit. Philadelphia; Col. Hamilton, Albany; C. Randall, San Francisco, arrived yesterday at the Astor House

F. B. A. Hewlings and lady, Washington; J. F. Lesch, Boston; Abraham Coles, Newark; A. Davis, do. John P. Ford, New Brunswich; L. M. Haskins, Boston T. H. Btevens, U. B. N., and J. Montgomery, Philadelphia, were among the arrivals yesterday at the Union Pince Hotel.

Hon. Wm. C. Bouck, Schoharie; J. A. Middleton Maryland; A. H. Melp, Bultimore; E. R. King, Alabama; W. B. Andrews, do.; W. B. Weaver, do. Ambrose Morrison, Nashville, Tenn; G. Wheelook, Natches, and G. H. Stewart, Waterford, were amon; the arrivals at the Howard Hotel.

Major Blake, U. S. A. Henry Wilson, U. S. N.; J. B. Chase, San Francisco; J. D. Gibson, Knoxville, Teon, S. F. Lucas, Louisville, Kentucky; M. W. Gamson, Montgomery, Alabama; J. R. Ennis, Texas; E. Richtardson, Miesseippi, E. A. Souder, Philadelphia, and Hon, R. M. Price, New Jersey, were amongst the arrivals at the Irving House yesterday.

E. Stetren, Boston; D. Chaplin, do; M. Grabam, do J. T. Frale, Maine; G. H. Payne, Virginis, and J. D. Petch, Charleston, were amongst the arrivals yesterday at the American Hotel.

Hon. Charles S. Morehead is spoken of as the whighten.

Hon Charles S. Morehend is spoken of as the whigh candidate for Governor of Kentucky.